

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH M. DORR,

Plaintiff,

v.

CASE NO. 05-73074
HON. LAWRENCE P. ZATKOFF

CITY OF ECORSE, ET. AL.,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM

Plaintiff filed his Complaint on August 9, 2005. Plaintiffs' Complaint contains the following four counts:

Count I	Unconstitutional Taking (5th Amendment)
Count II	Violation of Substantive Due Process (14th Amendment)
Count III	Violation of Civil Rights (42 U.S.C. §1983)
Count IV	Action for Mandamus.

The Court has subject matter jurisdiction over Plaintiff's constitutional claims (Counts I, II, and III), because they arise under federal law. *See* 28 U.S.C. § 1331. Count IV, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claim pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs' state law claim of Action for Mandamus (Count IV) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiffs' constitutional claims (Counts I, II, and III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 9, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 9, 2006.

s/Marie E. Verlinde
Case Manager
(810) 984-3290